

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

§

§

V.

§

CRIMINAL NO. 6:11-CR-42-11

§

RODERICK G. JACKSON

§

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 18, 2012, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Roderick G. Jackson. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by court-appointed federal defender Wayne Dickey.

Defendant originally pled guilty to the offense of Conspiracy to Possess and with Intent to Distribute Hydrocodone and Marijuana, a Class C felony. The offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 15 and a criminal history category of II, was 21 to 27 months. On October 17, 2012, District Judge Leonard Davis sentenced Defendant to 21 months imprisonment and 2 years supervised release subject to the standard conditions of release, plus special conditions to include a \$100 special assessment; financial disclosure; and substance abuse testing and treatment. On October 29, 2012, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required, in relevant part, to report to the probation office within 72 hours of release from the custody of the Bureau of Prisons. In its petition, the government alleges that Defendant violated his term of supervised release by failing to report or call the U.S. Probation Office following his release from confinement.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to report to the probation office within 72 hours of his release, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). The Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervised release. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade C violation is 4 to 10 months. U.S.S.G. 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's allegation. In exchange, the government agreed to recommend that Defendant serve 4 months of imprisonment, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Roderick G. Jackson be committed to the custody of the Bureau of Prisons for a term of imprisonment of 4 months, with no supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 20th day of December, 2012.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE